

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS, BEAUMONT DIVISION**

COALITION FOR WORKFORCE)
INNOVATION, *et al.*,)
))
Plaintiffs,)
))
v.)
))
SU, ACTING SECRETARY, UNITED)
STATES DEPARTMENT OF LABOR,)
***et al.*,**)
))
Defendants.)
_____)

Case No. 1:21-cv-00130-MAC

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully file this notice of supplemental authority to inform the Court of a recent decision by the U.S. District Court for the District of New Mexico in a parallel challenge to the rule at issue in this case. *See* Mem. Op. & Order, *Colt & Joe Trucking, LLC v. U.S. Dep’t of Labor*, No. 1:24-cv-391 (D.N.M. Jan. 9, 2025), ECF No. 49. The court dismissed the plaintiff’s claims for lack of standing, explaining that “[m]erely alleging that a regulation creates a chilling effect is not sufficient to give rise to standing,” and that plaintiff had alleged “conclusory assumptions” about its future rather than any “specific *facts*” concerning expenditures in money or time in response to the 2024 Rule. *Id.* at 12-13. In the alternative, the court rejected the plaintiff’s claims on the merits, holding in relevant part that the 2024 Rule is not arbitrary and capricious or contrary to the Fair Labor Standards Act. *Id.* at 14-30. A copy of the decision is attached as Exhibit A.

Dated: Jan. 10, 2025

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

JULIE STRAUS HARRIS
Assistant Director, Federal Programs Branch

/s/ Lisa A. Olson

Lisa A. Olson
Senior Trial Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W., Room 12200
Washington, D.C. 20005
Tel: (202) 514-5633
Fax: (202) 616-8470
lisa.olson@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2025, the foregoing Defendants' Notice of Supplemental Authority was electronically filed in this case with the Clerk of the Court, utilizing the ECF system, which sent notification to all counsel of record.

/s/ Lisa A. Olson
Lisa A. Olson